IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.14589 OF 2005

Between:

1. D.S.R. Chowdary, S/o Late D. Balkotaiah
aged about 52 years, Occ: Agriculture,

R/o Bodhan Town, Nizamabad District.

2. Kothapally Buchaiah, S/o Late Venkatappaiah,

aged about 58 years, Occ: Agriculture,
R/o. Srinivas Camp, Bodhan Mandal, Nizamabad Dist.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh

Rep. by its Chief Secretary (Revenue Department),
Secretariat Buildings, Hyderabad.

2. State of A.P., Rep. by its Secretary,
Wakfs, Secretariat Building, Hyderabad.

3. The Andhra Pradesh State Wakf Board,

Rep. by its Secretary, Hyderabad.

4. The Joint-Collector, Nizamabad District, Nizamabad.

5. The Revenue Divisional Officer, Bodhan Division,

Bodhan, Nizamabad District.

6. The Mandal Revenue Officer, Bodhan,

Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ or direction more appropriately in the nature of Mandmaus by declaring the action of the Respondents 2 and 3 with the aid and assistance of the Respondents 1 and 4 to 6 to include the patta lands of the petitioners bearing Survey Nos.265/1 to 4 corresponding to Survey Nos.265/A, AA, E and EE, situated at Pandu Tarfa, Bodhan Mandal to the extent of Acs.9-11 guntas, under List of Wakf Properties (Registered and un-registered) in Bodhan Taluk of Nizamabad District of Telangana Redion surveyed under Section 4(3) of the Wakf Act, 1954 and published under Supplement to Part-II of the Andhra Pradesh Gazettee Published by authority under No.40-A Hyderabad, October 3, 2002 on page 148 under Serial No.22909 as bad, illegal and against the principles of natural justice and consequently by giving necessary directions to the respondents 2 and 3 to delete the same from the said serial No.22909.

Counsel for the Petitioner: Mr. BALRAJ BHODANKAR

Counsel for the Respondents: G.P. FOR REVENUE

The Court at the admission stage made the following :

ORDER:

This writ petition is filed to declare the action of the respondents 2 and 3, with the aid and assistance of the respondents 1 and 4 to 6, to include the patta lands of the petitioner bearing Survey Nos.265/1 to 4 corresponding to Survey Nos.265/A, AA, E and EE, situated at Pandu Tarfa, Bodhan Mandal to the extent of Acs.9-11 guntas, under List of Wakf Properties (Registered and un-registered) in Bodhan Taluk of Nizamabad District of Telangana Region surveyed under Section 4(3) of the Wakf Act, 1954 and published under Supplement to Part-II of the Andhra Pradesh Gazettee Published by the authority under No.40-A Hyderabad, October 3, 2002 on page 148 under Serial No.22909 as bad, illegal and against the principles of natural justice and for a consequential direction to the respondents 2 and 3 to delete the same from the

said serial No.22909.

The property in dispute relates to Wakf to which remedy is available under the Wakf Act. Section 6 of the Wakf Act, 1995 which is appropriate for the case on hand reads as under:

> "**Disputes regarding Wakfs:-** (1) If any question arises whether a particular property specified as Wakf property in the list of Wakfs is Wakf property or not or whether a Wakf specified in such list is a Shia Wakf or Sunni Wakf, the Board or the mutawalli of the Wakf or any person interested therein may institute a suit in a Tribunal for the decision of the question and the decision of the Tribunal in respect of such matter shall be final."

From the above provision, it is clear that if any dispute arises regarding wakf properties, the aggrieved person has to approach the Wakf Tribunal by filing a suit. Hence, the writ petition is not maintainable and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed at the admission stage without any order as to costs.

However, this order does not preclude the petitioners to file a suit before the competent court of jurisdiction, in accordance with law.

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ELIPE DHARMA RAO, J

Date:07-07-2005.

PV

To

1. The Chief Secretary (Revenue Department),
Government of Andhra Pradesh,

Secretariat Buildings, Hyderabad.

2. The Secretary, State of A.P.,
Wakfs, Secretariat Building, Hyderabad.

3. The Secretary, Andhra Pradesh State Wakf Board,

Hyderabad.

4. The Joint-Collector, Nizamabad District, Nizamabad.

5. The Revenue Divisional Officer, Bodhan Division,

Bodhan, Nizamabad District.

6. The Mandal Revenue Officer, Bodhan,

Nizamabad District.

7. Two C.Cs. to the G.P. for Revenue, High Court of A.P.,
Hyderabad.

8) Two C.D. copies.